

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	CV 22-4735-PSG(Ex)	Date	January 31, 2024
Title	TRACY ANDERSON MIND AND BODY, LLC, ETC., ET AL v. MEGAN ROUP, ETC., ET AL.		

Present: The Honorable Charles F. Eick, United States Magistrate Judge

Valencia Munroe	None	None
Deputy Clerk	Court Reporter/Recorder	Tape No.

Attorneys Present for Plaintiffs:

None

Attorneys Present for Defendants:

None

Proceedings: (IN CHAMBERS)

The Magistrate Judge has read and considered all papers filed in support of and in opposition to “Plaintiffs’ Motion to Compel Defendants to Provide Further Responses, etc.,” (“the Motion”), filed January 19, 2024. The previously noticed February 9, 2024 hearing is vacated. The Magistrate Judge has taken the Motion under submission without oral argument. The Motion is denied in part and granted in part.

The Motion is denied as to Requests Nos. 19, 25, 26, and 27 because these requests are not proportional to the needs of the case in light of other discovery agreed to be produced by Defendants. See Fed. R. Civ. P. 26(b)(1).

The Motion is denied as to Interrogatories to Defendant Roup Nos. 1 and 2. Although some of the purported objections to these interrogatories reprinted in the Joint Stipulation are nonsensical (and actually may concern different interrogatories), the responses to these interrogatories are sufficient in light of the vagueness of the interrogatories.

The Motion is denied as to Interrogatories to Defendant TSS Nos. 1 and 2 because the responses to these interrogatories are sufficient in light of the vagueness of the interrogatories.

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The Motion is denied as to Request for Admission No. 15 because the request is materially vague and/or ambiguous. See also *Johnstone v. Cronlund*, 25 F.R.D. 42, 45 (E.D. Pa. 1960) (“requests which are half truths are objectionable if such half truths would infer a conclusion different from the whole truth”); accord *Laryngeal Mask Co. v. AMBU A/S*, 2009 WL 9530359, at *15 (S.D. Cal. Sept. 23, 2009).

The Motion is granted to Request No. 20. See Fed. Civ. P. 26(b)(1). Defendants’ challenges to the viability of Plaintiffs’ claims do not affect the proper scope of discovery. See id.; see also *Williams v. Hargrove*, 2017 WL 11454716, at *1 (S.D. Miss. April 12, 2017); *Celanese Corp. v. Clariant Corp.*, 2016 WL 1074573, at *4-5 (N.D. Tex. March 18, 2016); *Third Pentacle, LLC v. Interactive Life Forms, LLC*, 2012 WL 27473, at *3 (S.D. Ohio Jan. 5, 2012); see generally 8 Wright, Miller & Marcus, Federal Practice and Procedure § 2008, p. 137 (3d ed. 2010) (“Discovery is not to be denied because it relates to a claim or defense that is being challenged as insufficient”). The granting of the Motion as to Request No. 20 is not intended, and shall not be construed, as a ruling on the legal or factual viability of Plaintiffs’ claims. In that regard, the Magistrate Judge has determined only that Plaintiffs’ claims are not frivolous, and that, therefore, Plaintiffs are entitled to discover nonprivileged, proportional information relevant to the claims. The Magistrate Judge has rejected Defendants’ objections that Plaintiffs should bear the expense of production. The general rule is that the producing entity bears the expense of production. See *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 358 (1978); see also Fed. R. Civ. P. 26(c) (requiring “good cause” for issuance of a protective order). In the present circumstances, there exists insufficient cause to depart from the general rule.

The Motion is granted as to Interrogatory to TSS No. 5. See Fed. R. Civ. P. 26(b)(1).

The Motion is granted as to Requests for Admission Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10 and 13. All objections to these requests are overruled. See Fed. R. Civ. P. 36(a)(1)(a request for admission properly may seek the admission of “facts, the application of law to fact, or opinions about either”); Fed. R. Civ. P. 36(a)(4)(a party responding to a request for admission must respond based on all information “it knows or can readily obtain” after “reasonable inquiry”).

Therefore, it is ordered that, on or before February 10, 2024, Defendants shall: (1) serve a response without objection to Request No. 20; (2) produce all documents responsive to Request No. 20; (3) serve an answer without objection to Interrogatory No. 5; and (4) serve responses without objection to Requests for Admission Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, and 13.

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Finally, Defendants’ request for monetary sanctions is denied. See Fed. R. Civ. P.. 37(a)(5).

cc: Judge Gutierrez
All Counsel of Record

Initials of Deputy Clerk VMUN